APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,152	04/17/2001	Sara H. Basson	YOR9-2001-0066US1 (728-19	7352

			EXAMINER
28249	7590	10/11/2005	JARRETT, SCOTT L

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ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

HC

	Application No.	Applicant(s)
Office Action Summary	09/836,152	BASSON ET AL.
	Examiner	Art Unit	
	Scott L. Jarrett	3623	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 July 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 10012005

DETAILED ACTION

1.   This **Final** Office Action is responsive to Applicant's amendment filed July 7,

2005. Applicant's amendment amended the specification (title), drawings and claims 1-

18. Currently claims 1-18 are pending.

Response to Amendment

2.   The objection to the specification (title) in the First Office Action is withdrawn in

response to the Applicant's amendment to the title.

3.   The objection to the drawings in the First Office Action is withdrawn is response

to the Applicant's submission of corrected drawings.

4.   The USC 101 rejection of claims 1-10 in the First Office Action is withdrawn in

response to the Applicant's amendments to claims 1-10.

5.   Applicant's amendment filed on July 7, 2005 with respect to amended claims 1-

18 necessitated new ground(s) of rejection.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-18 have been considered but are

moot in view of the new ground(s) of rejection.

The following references are provided in response to applicant's request for support of the officially noticed facts cited in the first office action; specifically it has been established that it was old and well known in the art at the time of the invention:

- that storing a plurality of information (data) in a database enables convenient access to stored information (Orfali et al.: Pages 207-228; Ramakrishnan et al.: Pages 3-9; Kanevsky et al., U.S. Patent no. 6,442,519: Column 3, Lines 14-34; Column 4, Lines 29-46; Zyman et al.: Paragraphs 0073-0074);

- the inclusion of instructions on how to use a system (software product, help files, tutorials, training manual, sample files, and the like) ensures users of the product can successfully and properly utilize the system (Cooper: help systems, online help; Pages 490-494, 501-505; Figure 31-1; Kahn et al. '558: Help menu, Figure 3; Zyman et al.: Paragraphs 0076-0077, 0107); and

- there exists a plurality of means for identifying (scanning, collecting, retrieving, filtering, searching, etc.) information of interest (e.g. potential product endorsers, people, articles, etc.; Burrelles.com: media monitoring, news clipping, radio/television transcripts; Pages 1, 6-8; Nash: mailing lists, direct mail marketing, database marketing, etc.; Pages 21, 53-54, 59, 112; Herz et al., U.S. Patent No. 5,754,938: Column 55, Lines 38-68; Column 60, Lines 33-50).

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding Claims 1 and 11 the disclosure fails to state or teach one of ordinary skill in the art the how to determine whether a software product is an automatic speech recognition (ASR) product. Without this disclosure one skilled in the art would be unable to practice the invention without undue experimentation.

Further Regarding Claim 1 the disclosure fails to state or teach one of ordinary skill in the art for how the transcribing of verbal sample data is effected by the determination that a software product is or is not an automatic speech recognition (ASR) product. Without this disclosure one skilled in the art would be unable to practice the invention without undue experimentation.

Further regarding Claims 1 and 11 the disclosure fails to state or teach one of

ordinary skill in the art the best mode (by hand, computer or like device) for determining

whether a software product is an automatic speech recognition (ASR) product. Without

this disclosure one skilled in the art would be unable to practice the invention without

undue experimentation.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-4, 6-7, 11-12 and 15-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kahn, et al., U.S. Patent No. 6,122,614 (Kahn et al. '614) in view of

Kahn et al., U.S. Patent No. 6,704,709 (Kahn et al. '709).

Regarding Claims 1 and 11 Kahn et al. '614 teach teach a system and method

for automating transcription services (product) wherein a plurality of pre-recorded audio

files, associated with individual users, are accessed and processed by a speech

recognition/conversion subsystem (having an adaptation/training module) resulting in a

textual representation of the audio files (speech conversion, automatic speech

recognition product, transcription, transcribe; Abstract; Figures 1 and 3 as shown below;

Figures 2a-2d).

Kahn et al. '614 further teach that the system provides both manual and

automatic means for training (adapting) the voice recognition/conversion subsystem

utilizing pre-recorded audio files (sample data; Abstract; Column 2, Lines 66-68 and

Column 3, Lines 1-8).

More specifically Kahn et al. '614 teach that the transcription automation system

and method (product having an adaptation module) further comprises a voice

recognition/conversion subsystem having an adaptation (training, customization,

personalization, initialization, etc.) module, as well as the training of the voice

recognition/conversion subsystem (adaptation module) for a plurality of users wherein

(Abstract; Column 1, Lines 28-68; Column 2, Lines 8-68; Column 3, Lines 1-8 and 25-

68; Column 4, Lines 1-40; Column 6, Lines 16-22 and 43-68; Column 8, Lines 52-68;

Column 9, Lines 6-25; Column 10 Lines 48-57; Figure 1 as shown below; Figures 2a-3):

- sample data from a data storage device (tape, disk, memory, file, etc.; pre-

recorded audio, "receiving a voice dictation file"; Column 3, Lines 37-63) is provided;

- the system (adaptation module or other subsystem) accesses/loads person(s)

pre-recorded audio (the sample data associated with the person) into the system

(loaded, utilized, etc.; Column 3, Lines 45-63; Figure 3, *.wav); and

- the system (ASR software, product, etc.) is configured (adapted, customized,

personalized, individualized, updated, etc.) using the sample data thereby adapting

(training) the system to the person ("The training means also comprise a preexisting

training portion of the preexisting speech recognition program." Column 3, Lines 1-8 and

39-64).

Kahn et al. '614 further teach that products with adaptation modules (i.e. voice

recognition/conversion products, systems and methods) are commercially available and

well known in the art; one example being the Naturally Speaking product from Dragon

Systems wherein the system provides a "mobile training" feature that feeds user data

(audio and verbatim files) into the Naturally Speaking product in order to train/adapt the

product for a particular user (Column 8, Lines 52-68).

Kahn et al. '614 further teach it is the object of the invention (product having an

adaptation module, system for automating transcription services) to expedite the

training of speech recognition systems (make transparent; Column 1, Lines 28-30).
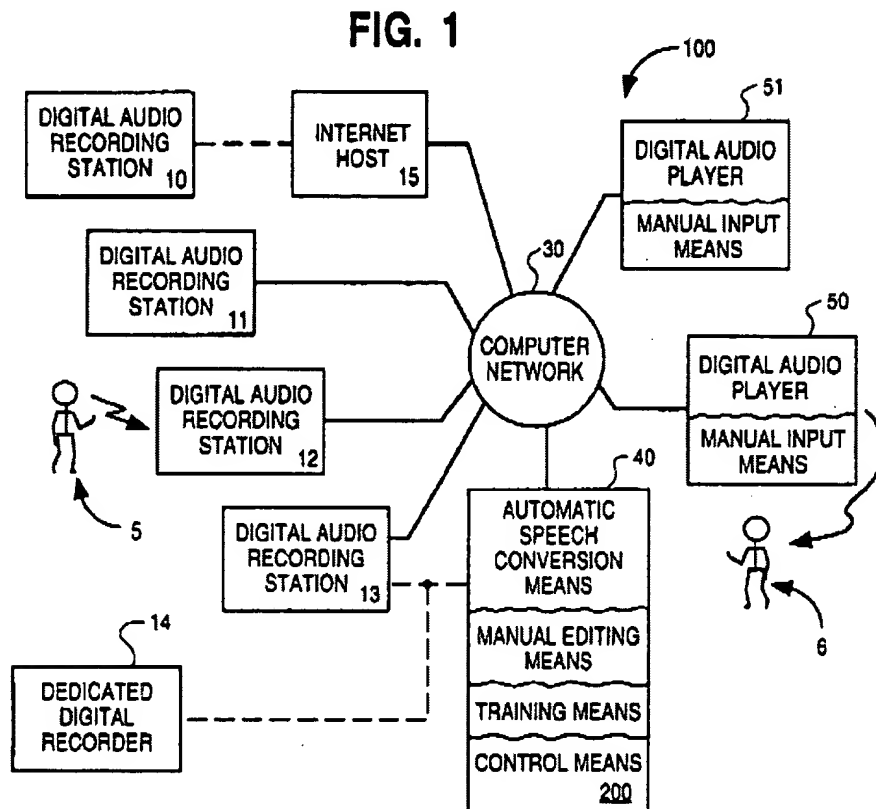
FIG. 1

Figure 1: Kahn et al. '614, Figure 1

While Kahn et al. '614 teach the transcription of verbal sample data (audio files)

stored in a storage device (tape, hard drive, disk, memory, etc.) as part of an automatic

speech recognition software product Kahn et al. does not teach that the system and

method for automating transcription services *determines* whether a software product is

an automatic speech recognition product or subsequently transcribing verbal sample

data *based* on the determination that a product (system, application, etc.) is an software

product ASR system as claimed.

Kahn et al. '709 teach determining which automatic software recognition system

(product, software, program, application, etc.) is used to transcribe a pre-recorded audio

sample (i.e. determining that a system/program is an ASR program; "conversion

variables", Column 5, Lines 50-68; Column 6, Lines 1-10), in an analogous art of

training/adapting automatic software systems to users; for the purposes of utilizing the

transcripts of two or more ASR systems to improve the training/adaptation of an ASR

system.

It would have been obvious to one skilled in the art at the time of the invention

that the method and system for automating transcription services as taught by Kahn et

al. '614 would have benefited from determining the ASR system (product, application,

program) utilized to transcribe audio data in view of the teachings of Kahn et al. '709;

the resultant system providing enhanced abilities to train/adapt an ASR through the

comparison of two or more ASR system transcripts thereby making it easier to identify

potential transcription/training errors (Kahn et al. '709: Column 6, Lines 5-14).

Further regarding Claims 1 and 11 the phrase "adaptation module" represents

non-functional descriptive material since it is obvious in light of the prior art and to one

skilled in the art that where (in what section, portion, subsystem, routine, code,

segment, object, etc.) the plurality of actions/activities are performed by the system or

it's subsystems (components, sections, code, routines, etc.) does not change the overall

functionality of the system.

Regarding Claim 2 Kahn et al. '614 teach that the system and method for

automating transcription services (product having adaptation module) further comprises

providing (making available/accessible, providing for use, etc.) the adapted/configured

ASR system (product, good, method, etc.) to the person whose sample data was used

to adapt (configure, train, etc.) the system (Column 1, Lines 58-68; Figures 2a, Element

206; Figure 2d, Element 601; Figure 3).

Regarding Claim 3 Kahn et al. '614 teach that the sample data (pre-recorded

audio files, voice dictation file) is stored (recorded) prior to the adaptation (training) of

the voice recognition/conversion subsystem (adaptation module, software product, etc.;

Column 1, Lines 58-68; Column 6, Lines 16-22; Column 8, Lines 55-68; Figures 1, 2b

and 2c).

Regarding Claim 4 Kahn et al. '614 teach a method and system for automating

the transcription services (product having an adaptation module) further comprising a

subsystem for training the adaptation module (voice recognition/conversion subsystem)

as discussed above. Kahn et al. '614 further teach selecting a user from a plurality of

users (Column 3, Lines 37-64; Column 7, Lines 55-61; Column 8, Lines 28-40; Figure

2a, Element 206; Figure 2d, Element 601) as well as the storage (saving) of a plurality

of user information related to the transcriptions and the training of the voice recognition

subsystem (user profile, saving speech files, audio recordings, audio transcription files,

written text, etc.; Column 1, Lines 58-68; Column 7, Lines 21-62; Column 8, Lines 28-

40; Figures 1 as shown above, 3 and show below; Figures 2 and 4).
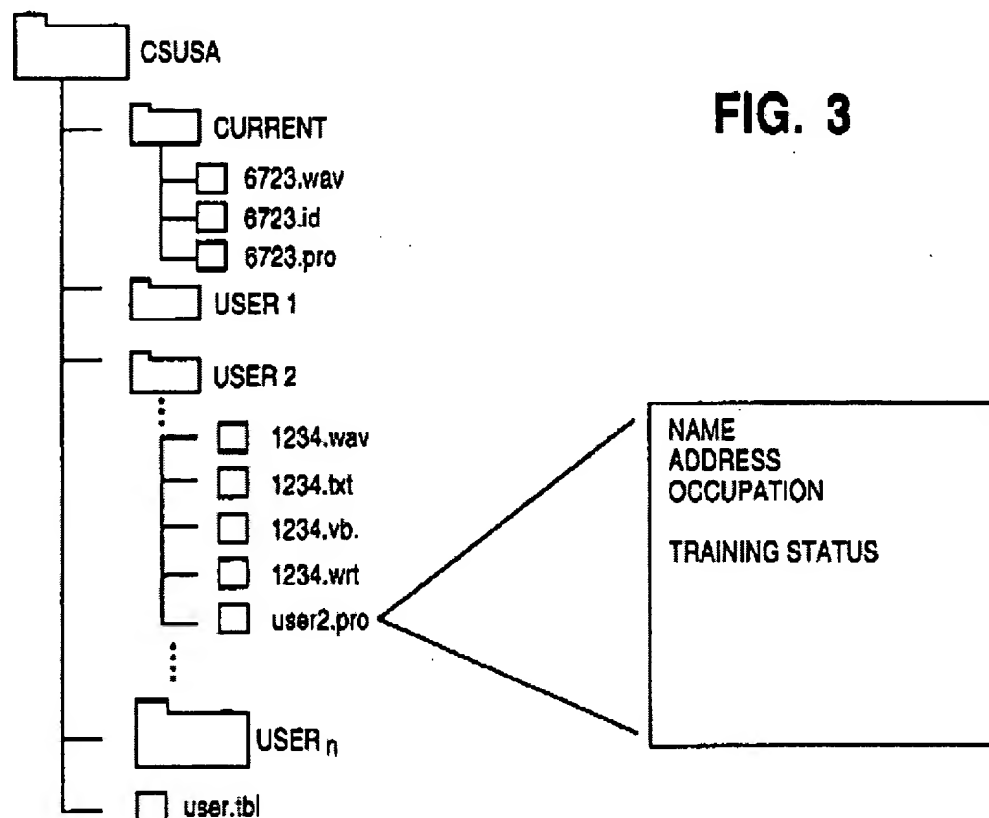

FIG. 3

Figure 2: Kahn et al., Figure 3

Kahn et al. '614 does not expressly teach selecting the person for whom the

voice recognition product is to be trained for from a *database* as claimed.

Official notice is taken that storing a plurality of information (data) in a database

enables convenient access to stored information and is old and well known in the art.

It would have been obvious to one skilled in the art at the time of the invention

that the method and system for automating transcription services as taught by Kahn et

al. '614 further comprising a voice recognition/conversion training subsystem and its

ability to store a plurality of user information would have benefited from utilizing a

database to store, access and manage a plurality of information including but not limited

to user information in view of the teachings of official notice; the resultant system

providing for the convenient and efficient storing and accessing of user and other

relevant information.

Regarding Claim 6 Kahn et al. '614 teach a method and system for automating

transcription services (product having an adaptation module, ASR product), the system

containing a voice recognition/conversion subsystem (adaptation module) and further

comprising (Column 1, Lines 58-68; Column 7, Lines 21-62; Column 8, Lines 28-40;

Figures 1-2, 3 as shown above and 4):

        - accessing a data store (file system, directories) wherein the data store contains

(stores) a plurality of information for a plurality of users (audio files, transcription files,

written text, etc.; Column 9, Lines 15-25; Figure 3);

- selecting a person from among a plurality of users (Column 3, Lines 39-45;

Column 6, Lines 34-35; Figure 2a, Element 206; Figure 2D, Element 601);

- receiving the information associated with the person (user profile; Figures 2a

and 3); and

- accessing the retrieved sample data (Figures 2a and 3).

While Kahn et al. '614 teach that the product enables users to select the user for

whom the product is to be trained Kahn et al. '614 does not expressly teach selecting

the user for whom the product is to be trained for from a *database* or that the product

includes *instructions* for utilizing the system as claimed.

Official notice is taken that storing a plurality of information (data) in a database

enables convenient access to stored information and is old and well known in the art.

It would have been obvious to one skilled in the art at the time of the invention

that the method and system for automating transcription services as taught by Kahn et

al. '614 further comprising a voice recognition/conversion training subsystem and its

ability to store a plurality of user information would have benefited from utilizing a

database to store, access and manage a plurality of information in view of the teachings

of official notice; the resultant system providing for the convenient and efficient storing

and accessing of user and other relevant information.

Official notice is taken that the inclusion of instructions on how to use a system

(software product, help files, tutorials, training manual, sample files, and the like) is old

and very well known in the art ensures users of the product can successfully and

properly utilize the system.

It would have been obvious to one skilled in the art at the time of the invention

that the method and system for automating transcription services (product having an

adaptation module) as taught by Kahn et al., '614, further comprising a voice

recognition/conversion training subsystem (adaptation module) would have provided a

plurality of instructional information (training) including but not limited to instructions on

how to access the sample data in order to assist users in utilizing the system effectively

and properly; the resultant system being easier to use.

Regarding Claim 7 Kahn et al. '614 teach that users of the system for automating

transcription services progress through several phases (stages, usage patterns, training

status, enrollment status) wherein the system tracks and stores a user's progress (use

of the product/system, stored in the user profile, training status). Kahn et al. '614 further

teach that this usage information is utilized by the system in determining the appropriate

level of automation (Column 3, Lines 13-68; Column 4, Lines 1-15; Column 10, Lines

43-57; Figures 2b, 2c).

Kahn et al. '614 does not expressly teach storing information in a *database* as claimed.

Official notice is taken that storing a plurality of information (data) in a database enables convenient access to stored information and is old and well known in the art.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services as taught by Kahn et al. '614 further comprising a voice recognition/conversion training subsystem and its ability to store a plurality of user information would have benefited from utilizing a database to store, access and manage a plurality of information including but not limited to user tracking data in view of the teachings of official notice; the resultant system providing for the convenient and efficient storing and accessing of user and other relevant information.

Regarding Claim 12 Kahn et al. '614 teach that the system for automating transcription services (product having an adaptation module) comprises several recording instruments (machines, devices) and a plurality of information associated with those recording devices, including but not limited to sample data (pre-recorded audio files, transcription files, etc.) stored in a file system (data store) consisting of a plurality of directories/sub-directories and that this information is associated with each user of the system (Figure 1, Elements 10-14 as shown above; Figure 3 as shown above).

Kahn et al. '614 does not expressly teach the utilization of a *database* to store the plurality of user information utilized by the system.

Official notice is taken that storing a plurality of information (data) in a database enables convenient access to stored information and is old and well known in the art.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services as taught by Kahn et al. '614 further comprising a voice recognition/conversion training subsystem and its ability to store a plurality of user information in a data store would have benefited from utilizing a database to store, access and manage a plurality of information including but not limited to sample data associated with users in view of the teachings of official notice; the resultant system providing for the convenient and efficient storing and accessing of user and other relevant information.

Regarding Claim 15 Kahn et al. '614 teach that the method and system for automating transcription services (product having an adaptation module) further comprises a plurality of user information and the ability to transmit a plurality of information to the user of the system (e.g. the completed written file; Figure 2d, Element 604; Claim 24) wherein the data associated with a person includes contact information

(name, address; e.g. email address or other such means for transmitting/contacting the user via the Internet; Column 6, Lines 43-55; Column 10, Lines 52-57; Figure 2d).

Regarding Claim 16 Kahn et al. '614 does not teach the availability of instructions for using the product as discussed above.

Official notice is taken that the inclusion of instructions on how to use a system (software product, help files, tutorials, training manual, sample files, and the like) is old and very well known in the art and ensures users of the product can successfully and properly utilize the product/system.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services (product with adaptation module) as taught by Kahn et al. '614, further comprising a voice recognition/conversion training subsystem (adaptation module) would provide a plurality of training and other instructional information including but not limited to instructions on how to record sample user data, in order to assist users in utilizing the system effectively and properly; the resultant system being easier to use.

Regarding Claim 17 Kahn et al. '614 teach a system and method for the automation of transcription services (product with adaptation module) further comprising

the adaptation of a voice recognition/conversion subsystem (adaptation module) utilizing pre-recorded audio files associated with the person for whom the system is being trained (adapted) as discussed above.

11.   Claims 5, 8-10, 13-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn, et al., U.S. Patent No. 6,122,614 (Kahn et al. '614) in view of Kahn et al., U.S. Patent No. 6,704,709 (Kahn et al. '709). as applied to claims 1-4, 6-7, 11-12, 15-17 above, and further in view of Zyman et al., U.S. Patent Publication No. 2003/0033192.

       Regarding Claim 5 and 14 Kahn et al. '614 teach a product having an adaptation module as discussed above. Further Kahn et al. '614 implicitly teach the marketing of the system for automating transcription services (e.g. sought U.S. Patent).

       Kahn et al. '614 does not expressly teach selecting a product to be promoted from a plurality of products available for promotion stored in a database (memory, file, etc.).

       Zyman et al. teach a system and method for marketing any of a plurality of products, the identification of a plurality of products to be promoted and the selection of a person (endorser) to promote the selected product (Abstract; Table 1). Zyman et al.

further teach that "marketing is an essential aspect of any successful business"
(Paragraphs 0002-0003).

Zyman et al. teach a system and method for strategic marketing planning,
execution and evaluation of marketing initiatives wherein the marketing investment
management system enables users to identify a plurality of products (services, goods,
capabilities) that are available for promotion (development, sale, advertising, marketing,
etc.), selecting the product(s) to be promoted and selecting the person to promote the
selected product (endorsement tool; Abstract; Paragraphs 0054; Table 1, Elements 7,
11, 13, 17 and 20).

More generally Zyman et al. teach a comprehensive marketing planning,
execution and evaluation system (marketing investment manager) comprising of a
plurality of tools (subsystems) including but not limited to advertising, promotion,
research, endorsements, merchandising, media, public relations, sales, pricing,
promotions director, performance assessment, marketing planner, marketing execution,
brand builder, digital asset management and customer relationship management
(Paragraphs 009, 0010, 0011, 0054-0057, 0068, 0106-0108, 0111; Figures 1 and 37 as
shown below; Table 1).

Further Zyman et al. teaches that the marketing investment management
system:

- provides for the personalization of the tool (Paragraphs 0088-0091), a plurality
of learning resources (help files, courses, Zlearning, instructions, etc.; Paragraphs
0076-0077, 0107);

- can be utilized by a plurality of users (Paragraphs 0068-0070, 0119) and other

service providers (application service provider),

- is a multi-tiered application including but not limited to a plurality of databases

(Paragraphs 0073-0074); and

- that the system captures contact and other marketing project information
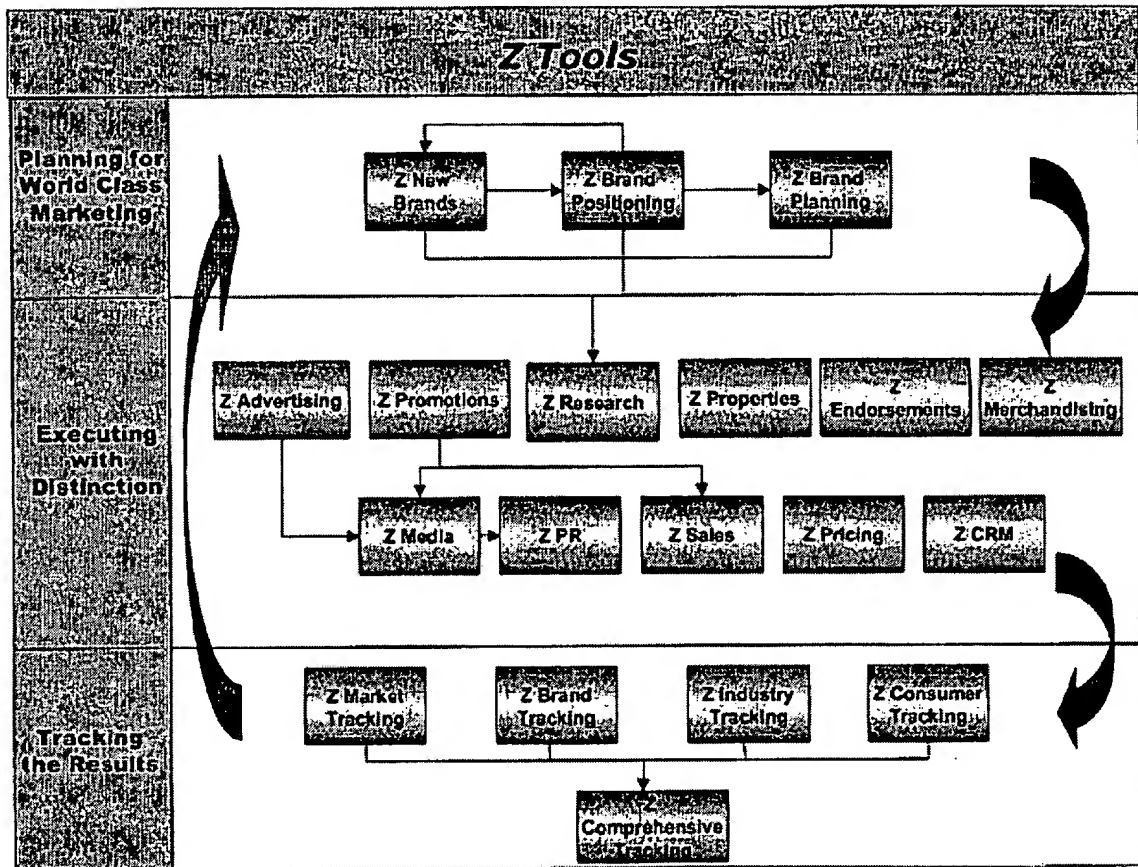
(Paragraphs 0098-010).

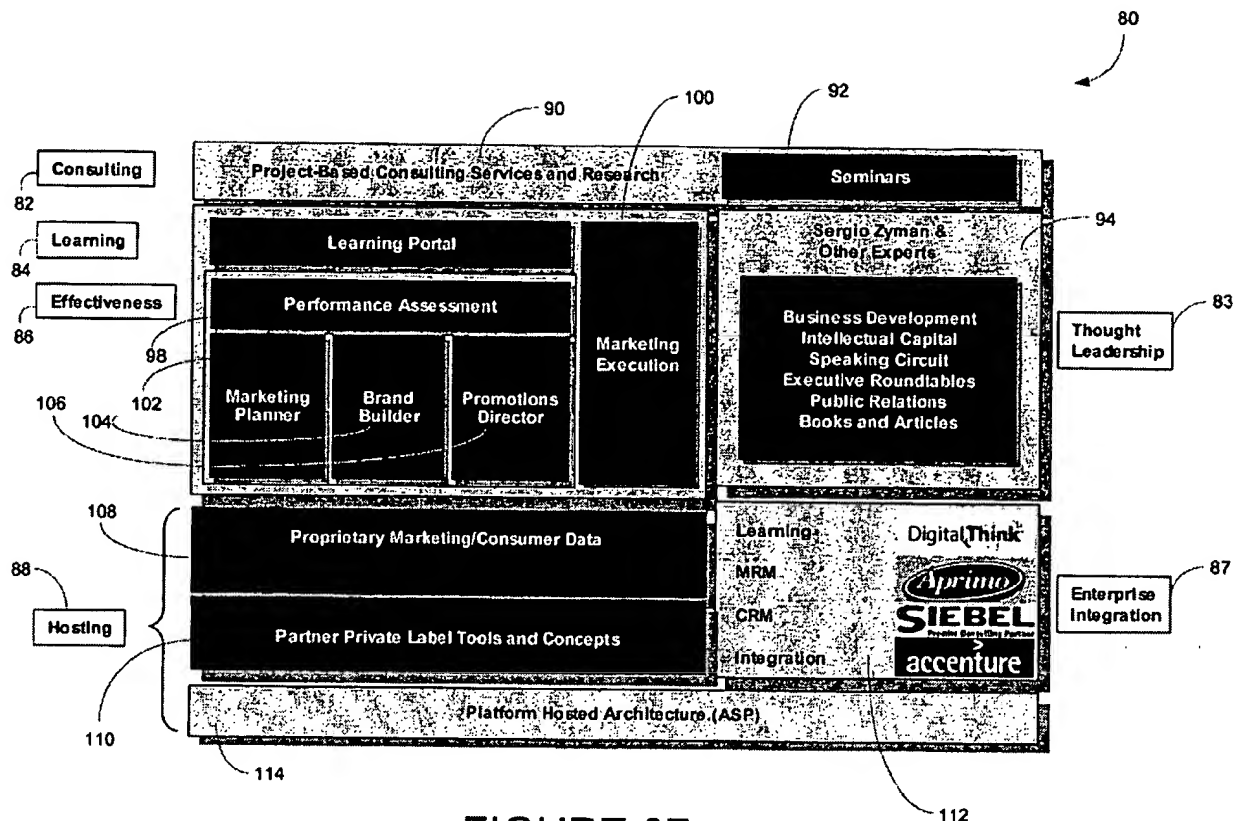# FIGURE 1

Figure 3: Zyman et al., Figure 1

FIGURE 37

Figure 4: Zyman et al., Figure 37

Zyman et al. further teach that the endorsement tool enables the user to

determine whether celebrity endorsements should be part of the comprehensive

marketing strategies and plans for promoting a product and enables the user to

screen/select endorsements that are consistent with the product's marketing strategies

and plans (Table 1, Element 11; Figure 1).

It would have been obvious to one skilled in the art at the time of the invention

that the method and system for automating transcriptions services (product having an

adaptation module), the system containing a voice recognition/conversion subsystem

and its ability to significantly reduce the amount of training required for a voice

recognition product having an adaptation module, as taught by Kahn et al. '614 would

have benefited from marketing the ASR system/product utilizing the marketing

investment management system, with its ability to identify, plan, execute and evaluate

comprehensive marketing programs including but not limited to product promotion,

celebrity endorsements and the like in view of the teachings of Zyman et al.; the

resultant system enabling users/businesses to manage (plan, execute, evaluate, etc.)

the marketing of a pre-trained ASR system (product).

Regarding Claim 8 Kahn et al. '614 teach that the system and method for

automating transcription services (product having an adaptation module) provides a

means for obtaining or storing feedback (evaluation of the accuracy of the conversion,

track/stores and utilizes user's progress/status/phase/stage; Column 2, Lines 61-65;

Column 3, Lines 9-64; Column 10, Lines 7-47; Figure 4).

Kahn et al. '614 does not expressly obtaining feedback data explicitly from the

person utilizing the product or the subsequent utilization of a database to store such

information.

Zyman et al. teach a comprehensive marketing strategy, planning, execution and

evaluation system that utilizes a plurality of databases to store and access a plurality

information as discussed above. Zyman et al. further teach that a plurality of information that is collected as part of the evaluation of the marketing plans and executions is fed back into the planning tools (Paragraph 0010) and that the system supports real-time collaboration (feedback) between a plurality of people involved in particular marketing projects (e.g. feedback/collaboration with the person(s) utilizing the product having an adaptation module; Paragraphs 0102. 0112-0113).

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcriptions services (product having an adaptation module) further comprising the tracking/storing of user usage information (feedback) as taught by Kahn et al. '614 would have benefited from managing the marketing/advertising of the ASR system in view of the teachings of Zyman et al; the resulting system and method providing a comprehensive system for the planning, executing and evaluating the promotion of a voice recognition/conversion product (system) by incorporating feedback (lessons learned, information) from the person(s) utilizing the system.

Regarding Claim 9 Kahn et al. '614 does not teach the advertising of the system as claimed.

Zyman et al. teach a comprehensive marketing strategy development, planning, execution and evaluation system and method as discussed above. More specifically

Zyman et al. teach the advertising, promoting and marketing of a plurality of products

and further that those advertising, promotion and marketing efforts are based on

feedback tracked and received from users of the product (sales; Abstract; Paragraphs

0010, 0085; Table 1).

It would have been obvious to one skilled in the art at the time of the invention

that the method and system for automating transcriptions services (product having an

adaptation module) as taught by Kahn et al. '614 would have marketed the system

(product) and benefited from utilizing the marketing investment management system, to

identify, plan, execute and evaluate comprehensive marketing programs in view of the

teachings of Zyman et al.; the resultant system enabling users/business to manage the

complete marketing lifecycle of the pre-trained ASR system (product).

Regarding claim 10 and 18 Kahn et al. '614 does not teach the identification of

new users via the scanning of publicly available materials as claimed.

Zyman et al. teach a comprehensive marketing strategy, planning, execution and

evaluation system and method further comprising an endorsements tool as discussed

above.

While Zyman et al. teach that the endorsement tools provides an endorsement

strategy, endorsement screening approach, concept development and validation,

results measurement approaches and execution planning templates Zyman et al. is

silent on the method for finding potential endorsers or the collection of information on

the potential endorsers.

Official notice is taken that there exists a plurality of methods (systems,

techniques, tools, etc.) for scanning and collecting publicly available information in order

to identify items (people, articles, broadcasts, etc.) of interests. For example there

exists an old and very well known class of businesses that provide media monitoring

services (e.g. Burrelle's a news clipping service bureau) wherein these businesses

manage databases of information (newspapers, magazines, television, radio, etc.) that

enable users to search, identify and collect a plurality of information (data), including

transcripts of video/radio broadcasts, for the purposes of making it easier for users to

identify and collect information of interest.

Other examples of systems and methods for scanning publicly available data in

order to find data of interest include popular Internet search engines such as Yahoo!,

MSN, Excite and the like.

It would have been obvious to one skilled in the art at the time of the invention

the system for automating transcription services as taught by Kahn et al. '614 would

have marketed the product and in doing so utilized a plurality of marketing

methods/approaches as well as benefited from utilizing marketing investment

management system, with its ability to manage the complete endorsement process from

finding/identifying an endorsement to managing the promotional and advertising campaigns in view of the teachings of Zyman et al.; the resultant system and method providing for the comprehensive marketing/promotion of a pre-trained/adapted ASR system.

Further it would have been obvious to one skilled in the art at the time of the invention that the system and method for promoting the use of an automatic speech recognition system as taught by the combination of Kahn et al. '614 and Zyman et al., with the system's ability to select product endorsers and manage promotional and/or advertising campaigns utilizing endorsements would have benefited from scanning publicly available data in order to identify and collect a plurality of information/data (e.g. sample voice/speech files, demographic appeal, etc.) about potential endorsers in view of the teachings of official notice; the resultant system enabling users to identify and collect data about potential product endorsers.

Regarding Claim 13 Kahn et al. '614 does not teach the selection of a product to be promoted or the subsequent retrieval of product information.

Zyman et al. teach a comprehensive marketing investment management system wherein products (services, good, etc.) are identified, defined and eventually promoted/advertised as discussed above. More specifically Zyman et al. teach that the marketing investment management system supports/enables the entire products

lifecycle (Paragraphs 0006, 0106, 0110;Table 1, Elements 1-2, 6, 8-9, 13-14) and includes a plurality of training and other instructional information as discussed above.

It would have been obvious to one skilled in the art at the time of the invention the system for automating transcription services, the system including a voice recognition/conversion subsystem, as taught by Kahn et al. '614 would have marketed the product and utilized the marketing investment management system with its ability to manage a product's complete lifecycle from product positioning, branding, identifying an endorser, to managing the promotional and advertising campaigns in view of Zyman et al.; the resultant system being more capable of successfully developing and selling the system.

While Zyman et al. teach the inclusion of instructions on how to use the marketing investment management system Zyman et al. is silent on the inclusion of instructions on how to use the products (goods, services) in the products being evaluated from marketing/promotions investment.

Official notice is taken that the inclusion of instructions on how to use a system (software product, help files, tutorials, training manual, sample files, and the like) is old and very well known in the art ensures users of the product can successfully and properly utilize the system.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for marketing/promoting an automated transcription services (ASR product) as taught by the combination of Kahn et al., '614 and Zyman et al., would have benefited from providing a plurality of instructional information (training) including but not limited to instructions on how to access the sample data in order to assist users in utilizing the system effectively and properly in view of the teachings of official notice; the resultant system being easier to use.

Examiners Note

12.   While each of the elements of the instant application are old and well known in
the arts of speech/voice recognition and marketing/advertising the specific application of
the disclosed elements to the promotion, by a high profile person (e.g. eliciting a
celebrity endorsement), of a pre-adapted (trained, configured, etc.) automatic speech
recognition system (ASR product) wherein the ASR promotional system:

        - collects in a database a plurality of individual (personal) audio data (e.g.
video/audio files, clips) of high profile people (HPP, celebrity, actors, actresses,
politicians, athletes, etc.) from one or more publicly available/accessible resources (e.g.
Internet, television/radio broadcasts, etc.);

        - selects a HPP from a database utilizing priority and preference data (selection
criteria);

        - pre-trains/adapts the ASR system utilizing the collected sample data for the
HPP;

        - provides the pre-adapted ASR system to the HPP for their review
(approval/use);

        - monitors/gauges the HPP's ASR usage/satisfaction via surveys, automatic
system monitoring, and the like;

        - offers/negotiates an promotional (advertising) agreement with the HPP's
identified to have used and been satisfied with the system satisfied; and

    - then promotes/advertises the endorser's use of the ASR system wherein the plurality of information collected about the high profile person (usage, demographics, market appeal, etc.) are incorporated in advertising/marketing campaigns

    appears to suggest that the disclosed invention may be allowable over the cited prior art.

    Examiner notes that the invention, as currently claimed, does not claim each of the distinguishing limitations discussed above and therefore is rejected for the reasons discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Herz et al., U.S. Patent No. 5,754,938, teach a system and method for scanning publicly available information resources for information (articles, data, etc.) of interest (i.e. news clipping service bureau). Herz et al. further teach that the system and method for retrieving (filtering) and storing articles is not limited to a single source or format of information; specifically teaching the system includes "broadcast clippings" wherein transcripts of spoken information/articles are made available to be scanned and stored.

- Kanevsky et al., U.S. Patent no. 6,442,519, teach a system and method for the unsupervised and/or supervised adaptation/training of an automatic speech recognition system wherein "characteristics of users are collected from databases over the network and from users using the speech recognition system and distributed over the networks before or after user activities" in order to help train/adapt the ASR system to a particular user or group of users. Kanevsky et al. further teach that the ASR adaptation system utilizes global and local databases to store user sample data that is utilized to pre-train and continually adapt the ASR system.

- Burrelle's.com teaches a commercially available media monitoring service bureau wherein Burelle's provides users (businesses) with a plurality of products and services (systems, methods, etc.) that enable them to identify, monitor/track, collect/retrieve and report on a plurality of information available from a plurality of publicly available resources (television, newspaper, magazines, radio, etc.). Burrelle's further teaches that the company has been providing access to these publicly available resources for over 100 years.

- Burrelle's Information Office Product Brochure teaches a commercially available system and method for scanning (searching) publicly available information sources (radio, television, newspaper, etc.) for items of interest (i.e. media monitoring/news clipping service/bureau). Burrelle's further teaches the collection/storage, sharing and reporting on the plurality of scanned items of interest.

- Newman, Dan, The Dragon Naturally Speaking Guide teaches the endorsement of a automatic speech recognition product (system) by a plurality of high profile people. Newman further teaches how to adapt/train and use an ASR system.

- Nash, Edward, Database Marketing, teaches the old and well known utilization of databases to identify and market (advertise) products and services wherein lists of potential marketing/advertising targets (persons, individuals) are identified and profiled using publicly available resources.

- Orfali, Robert et al., Client/Server Survival Guide Third Edition, teach a plurality of well-known technologies (systems, methods, architectures) utilized by a plurality of systems (products, software, applications, etc.) including but not limited to the widespread use/adoption of databases.

- Ramakrishnan, Raghu et al., Database Management Systems Third Edition, teach a plurality of well known database techniques, tools, methods and approaches, including but not limited to the benefits of using a database (e.g. the convenient storage/access of information).

- Cooper, Alan, About Face, teaches a plurality of well known and widely used system (application, program, software, etc.) design techniques and methods including but not limited to the nearly universal use of "help systems" as part of software products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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SJ
10/1/2005

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